REMARKS

Claims 1-21 are in the application.

Claim 1 has been amended for clarity.

Claim 3 has been amended to end with a period.

Rejection under 35 U.S.C. § 112

Claims 1-7 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to distinctly claim the invention. The Office Action asserts that Claim 1 is indefinite because of the phrase "optionally, ...surfactant; and toxicologically-acceptable basic buffer". Applicants have amended Claim 1 for clarity, to clarify that the aqueous dilute treatment composition comprises toxicologically-acceptable basic buffer to provide a pH of greater than about 10.5, while toxicologically-acceptable detergent surfactant is an optional ingredient.

Claim 3 has been rejected because it does not end with a period. Applicants have amended Claim 3 to end with a period.

Rejection under 35 U.S.C. § 103

Claims 1-21 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Murch et al., U.S. Patent No. 5,498,295. Applicants respectfully traverse this rejection. Murch et al. disclose basic cleaning compositions containing toxicologically-acceptable ingredients for cleaning fruits and vegetables. The preferred compositions comprise oleate, alcohol ethoxylates and buffers. Murch et al. disclose that its compositions and processes, especially those that are alkaline, can provide effective disinfectancy. Col. 11, lines 4-10.

The present invention relates to a method of reducing the level of microorganisms on the surface of food and make it safe to eat, by contacting the surface of the food with an aqueous dilute composition for a period of time in excess of about one half of a minute. The Office Action notes that "[t]he reference discloses that the disinfectant is provided but doesn't say how long the composition is to remain on the food produce as in claim 1 and 2." OFFICE ACTION (Paper No. 7) at 3. Indeed, all the reference discloses is that its compositions and processes, especially those that are alkaline, *can* provide effective disinfectantcy, but provides no details on how disinfectancy is achieved. Murch et al. thus do not teach or suggest a method for reducing microorganisms on the surface of food as presently claimed.

The Examples of the present invention show the importance of pH of the aqueous dilute treatment composition and the period of time the composition is allowed to remain in contact with the surface of the food, before being consumed. Murch et al. do not teach or recognize the importance of both pH and time in achieving a reduction of microorganisms on the surface of food. While Murch et al. suggest that alkaline compositions can provide disinfectancy, it does not disclose or suggest the period of contact time needed to achieve the reduction of microorganisms, as presently claimed. Therefore, Applicants submit that Murch et al. do not teach or suggest the presently claimed method, which requires both a highly alkaline composition and a period of contact time in order to achieve the reduction in microorganisms on the surface of food. Applicants thus submit that Claims 1-21 are unobvious and patentable over Murch et al. under 35 U.S.C. § 103(a).

Information Disclosure Statement

Applicants submitted an Information Disclosure Statement ("IDS") dated July 17, 2000, received by the USPTO on July 19, 2000. Copies of the documents cited in the IDS were also submitted. Applicants attached a copy of the IDS, PTO-1449, and Return Postcard submitted on July 17, 2000, to the Response dated January 11, 2001. Applicants respectfully request the Examiner to consider the documents cited therein and initial the PTO-1449 form.

CONCLUSION

In view of the foregoing amendments and accompanying remarks, reconsideration of the application and allowance of all claims are respectfully requested.

Respectfully submitted,

B. J. ROSELLE ET AL.

By _____

Jason J. Camp
Attorney for Applicant(s)
Registration No. 44,582
(513) 626-3371

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Cincinnati, Ohio

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claim 1 has been amended as follows:

1. (Amended) A method for treating food to reduce the level of microorganisms on the surface of said food and make it safe to eat, said method comprising treatment occurring just prior to consumption, comprising the step of contacting the surface of said food with an aqueous dilute treatment composition comprising [, optionally, toxicologically-acceptable detergent surfactant; and] toxicologically-acceptable basic buffer to provide a pH of greater than about 10.5 and, optionally, toxicologically-acceptable detergent surfactant, for a period of time in excess of about one half of a minute, the composition being essentially free of any material that adversely affects safety or palatability, so that said food does not need to be rinsed before consumption.

Claim 3 has been amended as follows:

3. (Amended) The method of Claim 2 wherein said aqueous treatment composition comprises:

(a) less than about 0.2% by weight and sufficient to reduce the viscosity of said solution to less than about 50 cp., of toxicologically-acceptable base-stable anionic detergent surfactant;

(b) toxicologically-acceptable basic buffer selected from the group consisting of water soluble potassium and/or sodium, hydroxides, ortho-phosphates, and/or carbonates, to provide a pH of from about 10.9 to about 12.5; and

(c) optionally, from about 0.001% to about 1% by weight said calcium ion sequestrant, which is selected from the group consisting of sodium and/or tripolyphosphate, ethylenediaminetetraacetate, citrate, and mixtures thereof.